20¢ AUGUST 14, 1950

New Republic

A.N.C.

THE RUSSIANS RETURN TO LAKE SUCCESS AN EDITORIAL

SECURITY AND LIBERTY

By FRANCIS BIDDLE

JUDGE LEARNED HAND ON: THE COMMUNIST CONSPIRACY

DR. MARTIN GUMPERT ON: THE DIANETICS CRAZE

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CONTENTS FOR AUGUST 14, 1950

5 The Russians Return to Lake Success: An Editorial

6 The Week:

6 Washington, the Unready

7 Profits and Taxes

7 Topsy-Turvy Economics

8 Herblock Cartoon

8 Jim Crow at the Front

9 Social Security Gain

10 Outside America

11 Security *and* Liberty by Francis Biddle

14 Communism and Conspiracy

17 Harold L. Ickes

18 Books:

18 The American Transcendentalists, by David Daiches

19 Prelude to War by Edwin O. Reischauer

20 The Dianetics Craze by Martin Gumpert

21 The Organizers by Ben B. Seligman

21 Brief Comment

22 Movies

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WASHINGTON WIRE

THE AMERICAN DILEMMA can be put with almost childish simplicity. Would the nation prefer to devote 10 percent of national income regularly to defense or to have a general war now and get it over? The Administration's top brains —Acheson, Harriman, Kennan and Chip Bohlen—believe war with Russia can still be averted. Estimating US production at $300 billion, defense will take $30 billion annually ($5 billion going to accelerate European rearmament). After three years there might be some cut-back, but not much. At that point (so official thinking goes) there might be some hope of stabilization; maybe Moscow would be ready to consider settlement. The whole theory postulates a degree of national discipline, steadiness and self-sacrifice such as has never before been experienced in peacetime.

Opponents of the official thinking say it's just hopeless. We have passed the point of no return. Russia isn't going to play ball again. Therefore let's have total mobilization as fast as possible. And get it over with.

Administration leaders have made two down-payments for political unity at home that are horrifying in their possibilities abroad. One is on Spain, the other on Formosa. To buy the support of the pro-Franco bloc, mostly Roman Catholics, Senate Fair Dealers agreed to give fat little Franco, erstwhile pal of Adolf and Benito, a mandatory $100 million Export-Import Bank loan. Presumably this increases Administration voting strength in Congress. The cost will be paid in Europe. We now place clerico-fascist Franco on a par with European allies in our assistance. Still worse, we give the impression in Europe that we intend to let Moscow overrun it while we hold the line of the Pyrenees and conduct another Korean reconquest operation from Spain. A subordinate effect is to ruin the businesslike procedure of the Export-Import Bank, which heretofore has granted loans only when a sound case was presented for a self-liquidating project.

Truman paid the GOP price for Congressional unity by a second act, more far-reaching in implication than Spain. He included Formosa in our defense program. This is the ultimate cost of McCarthyism. Now the pro-Chiang Kai-shek crowd and the pro-Franco crowd are on our side. It is true that in both cases there were military considerations. But politics came first.

The price is the alienation of Asia. India, Pakistan and Indonesia all favor seating Communist China in the UN and dropping Chiang for keeps and as fast as possible. So does Britain. We have bought a nice political coalition in Congress with Franco and Formosa. It may have cost us half the world.

A successful invasion of Formosa by a fleet of 4,000 junks carrying 10 to 20 men each, moving at only four knots and in defiance of the US Seventh Fleet, sounds fantastic. Even a small naval shell can sink a wooden junk. Yet there is good information here that it will be tried—tried this month. The ships are collected with an invasion force estimated at 100,000. The plan may be dropped, but not if Moscow can push Mao into it. It takes 16 to 24 hours for a junk to reach Formosa, but under darkness or fog half of them might get through (radar won't pick up a wooden junk). Nobody can tell what Chiang's jittery troops on an island honeycombed with Communists would do if half the flotilla arrived.

But that isn't the point. Moscow has already involved us in Korea; sinking the junk-fleet would probably involve us now in war with China. This would set back the chance of Titoism in China for years, and still further alienate India. We have given the dreadful decision of war or peace to Mao. It was implicit in Truman's order to the Seventh Fleet to cover Formosa. All we can do now is wait. Mao has said he will take Formosa by September 1. His "face" is involved just like ours.

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On the other side of the world there are sobering reports of military preparations in Bulgaria, Rumania and Hungary, contiguous to Tito's Yugoslavia. If Stalin wants to fight another satellite war by proxy, he can do it easily.

More uniforms suddenly on the streets, prices rising again, lights gleaming late at government offices, hotels beginning to fill up—that's steaming Washington in wartime. Congressmen fidget; they are suddenly less important, can't stop to digest emergency legislation. "I went home the other weekend," a Senator told us, "everybody in Main Street asked me grimly why I wasn't back in Washington."

Pentagon briefings come twice a day. A miniature pulpit stands in Louis Johnson's conference room, which holds about 100. Army, Navy and Air Force spokesmen mount the "pulpit" in turn. Beside them, where the stained-glass window should be, is the big illuminated Korean battle-map, overlaid with red arrows on cellophane. There are few questions: the hardest-hitting reporters are by now in Tokyo or at the front. The reports seem pollyannish, judging by the map. Everybody's unspoken thought—what if this optimism is unjustified?

Notes. The government can't sell surplus food to check the inflation because that would break prices and the law would require Secretary Brannan to go back into the market again to support the prices that he broke. . . . Raymond Swing will be back on the air, starting on station WOR, New York, and soon probably on all Mutual's network. . . . Did Senator Brewster order the telephone wires of Howard Hughes, West Coast airplane tycoon, tapped? Goaded by Drew Pearson, the Senate has started one of the spiciest investigations of the session. . . . The first the State Department knew about MacArthur's trip last week to Formosa was from news tickers; the visit was made without either prior consultation or clearance. . . . Australia's Menzies seeks a US capital-goods loan to finance a huge immigration program. . . . The House GOP is eager to wish economic controls on Truman, believing they will be unpopular.

Washington T. R. B.

CORRESPONDENCE

Right to Privacy (continued)

SIR: In connection with the question raised by T. R. B. in the July 24 issue, I should like to draw T. R. B.'s attention to the eloquent dissent of Judge Henry Edgerton in *Barsky v. US*, March 18, 1948, before the US Court of Appeals:

> The premise that the government must have power to protect itself by discovering whether it is in clear and present danger of overthrow by violence is sound. But it does not support the conclusion that Congress may compel men to disclose their personal opinions, to a committee [the House Un-American Activities Committee] and also to the world, on topics ranging from Communism, however remotely and peaceably achieved, to the "American system of checks and balances," the British Empire, and the Franco government of Spain. Since the premise does not support this conclusion it has nothing to do with the case. It justifies no punitive exposure. It justifies a very different investigation from the one the House Committee conducts. The investigation the Committee conducts is unsupported by any color of necessity. . . . So far from being necessary to the safety of the government, the Committee's investigation weakens the government by effectively warning the unorthodox, some of whom are conspicuous for ability and patriotism, to avoid government service.

Washington RICHARD STROUT

SIR: It seems to me that the question you ask is a complicated one.

Yes, a witness should be required to say whether he is or is not a Communist before a Congressional committee. . . .

In the sorry state of things at present, however, the poor beggar doesn't stand a chance whatever he says: if it's no, he's lying; if yes, then pretty soon, to the concentration camp with him. If he says he was but has reformed now, though like Mr. Flamm he honorably and reasonably believes some Communist slogans to be true and does not fall slobbering at the Catholics' feet, then persecute and ostracize him. . . .

Oh America! Why must the sound of thy name become an idiot blare?

Huntington, N. Y. MRS. P. CAMMER

SIR: The critics of T. R. B. still look at the Communists as another variety of dissenters, radicals, left-wingers, whose right to advocate unpopular doctrines must be protected. They are of course nothing of the sort. To me it seems that Ignazio Silone, in his book, *The School of Dictators*, evaluated the Communists realistically when he described them as Red Fascists. It is only when one sees the Communists as another variety of totalitarianism that one is able to consider them without illusions.

Like many others I was troubled for a long time on what position to take in defense of the right to advocate social change—when and if such rights ever may be justifiably restricted. And like many others I have finally concluded that it is unrealistic, even suicidal, to defend the political rights of groups whose avowed aim is to deprive all those who differ with them of such rights.

Or is it possible that there still are deluded liberals and radicals who are not aware what would happen to them if the American Politburo were given a chance?

Indianapolis, Ind. A. H. BERMAN

SIR: It seems to me that Irving H. Flamm is over-concerned with the right to privacy, which as he ought to know has its limitations, these being the security of our country.

If the Communists were a revolutionary group purely American without foreign entanglement and loyalties I would be the first to defend their right to have their say. But since they give allegiance to a foreign dictator they have no right to take shelter under our Constitution and must be treated as disloyal Americans and even traitors in case of war.

This should also be applied to the Catholic Hierarchy because they also have sworn allegiance to a foreign dictator. . . .

Miami, Florida M. MARTINEZ

Race Bias at Columbia

SIR: The Columbia University Chapter of Students for Democratic Action plans to continue its drive to end racial-bias clauses in campus groups as soon as the University reopens in the fall.

The first move in SDA's campaign was to suggest a plan for ending fraternity and other bias clauses in the Columbia College student government. For a variety of reasons, the plan was dropped. So, teams of SDA workers tried and succeeded in getting 25 percent of the college to sign a petition for the plan to go on the ballot in the May general election. The SDA plan was approved by the student body by an 8-5 margin; the *Spectator*, the college paper, called voting "unprecedented" and a "probable record," which SDA attributes to the anti-bias campaign.

Next, the SDA must get the student government to implement the student-body directive to "set a deadline for elimination of written membership restrictions based on race or color in student organizations, including fraternities."

The trend at Columbia is heartening for democracy not only because bias clauses are being removed, but because this is being done by students themselves through democratic political action. And the progress of the SDA itself indicates increasing student interest in liberal politics. . . .

New York City DICK GIVENS

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VOLUME 123, NUMBER 7, ISSUE 1863, NEW YORK CITY, AUGUST 14, 1950 **New Republic**

THE RUSSIANS RETURN TO LAKE SUCCESS

ONE OF THE great dramas of modern times is grinding to a climax in the windowless, softly padded Security Council chamber at Lake Success. In the glare of the fluorescent lights which give everything a gray-green, underwater look, Jacob Malik, like a nervous young business executive, sits behind a sign declaring him to be for the month of August President of the Council, and does the bidding of his masters in the Kremlin. What is that bidding? Now that Russia is back, will she stay? Does her return mean that the international tension is increased or decreased?

Not all the questions that have now been raised can be answered at this moment. As we go to press it is not even certain that Malik will stay. On the record, his presence seems to overrule Stalin, whose last official utterance was that the representative of the USSR could never sit in a room with the representatives of Nationalist China. Malik has not only been so sitting but, under skillful and ruthless pressure by American delegate Warren Austin, he has been reluctantly recording Nationalist China's vote and permitting its delegate to speak. The door is apparently being left open for another walkout if it appears desirable.

One thing that Malik's return does *not* mean is that Russia has had any change of heart about the United Nations. Throughout its history, the Russians have been cynical and selfish regarding this organization. Journalists who reported the San Francisco Conference at which the UN came into being know that not for an instant did the Russians act from any genuine impulse toward world peace maintained through concerted action in a spirit of good will. Russia was not and is not interested in world peace except as it can be used to advance her own aims, including international Communism, on Moscow's terms and under her dictation.

Two main purposes actuated Russia to return to Lake Success last week, in the opinion of the most competent observers. One of these was the desire to get back a useful sounding board for worldwide propaganda. Malik was extraordinarily skillful in taking the initiative about a "peaceful solution of the Korean question." He thus made it possible for the Russians to broadcast throughout the world that when they asked for peace, the "imperialist United States" insisted on talking about something else. That this something else happened to be the Russian-inspired North Korean aggression would of course be omitted. In view, however, of the incredible mendacity of all Russian propaganda about Korea (which charges, as James B. Reston has remarked, that the canary ate the cat), perhaps this point is not of great importance.

Russia's other purpose in returning to the UN, whether temporarily or permanently, is even uglier. The Charter of the UN still provides for a veto over Security Council action by any of the five Great Powers—the United States, Great Britain, France, the Soviet Union and China. In retrospect, it seems providential that the Russians were boycotting the UN at the moment when the aggression started in Korea, just as it was also providential that the UN happened to have a commission of its own on the spot which could report instantaneously on the character and seriousness of the armed attack. If Russia had been present at the Security Council she would certainly have used her veto against the Resolutions of June 25 and 27 and July 7. Feeling was so bitter among the nations of the free world that the UN would still have found some way to function, but it might have involved delay, and, perhaps, fatal delay.

It is entirely reasonable to assume, therefore, that Malik may have come back to Lake Success because another incident similar to Korea is in the making somewhere else—perhaps in Iran or Tibet or Yugoslavia. In that case, it would be of great advantage for the nominal aggressor to have a friend present in the Security Council, able and willing to exercise a veto over action paralleling that which the UN took in Korea.

Ostensibly, Russia's return to the UN was for the purpose of substituting the Chinese Communists for the Chinese Nationalists in that body. Malik made the seating of the Chinese Communists the first point on his agenda, to take precedence over Korea. He knew very well that if he were not outvoted—as he was—the quarrel which was sure to follow might last for months, and he doubtless hoped for a knockout victory by the North Koreans during that period.

Despite the assiduity with which the Russians have pleaded the cause of Peiping, many thoughtful observers at Lake Success believe that, in fact, Moscow does not want the Chinese Communists to join the UN. These observers point out that several times, when the climate seemed to become favorable for Peiping, some action was taken to block it. When Great Britain began to lean that way, the Chinese Communists insulted Attlee's gov-

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ernment by not even answering, for many weeks, the British offer of recognition. This did not change Britain's attitude, but it upset some other governments. When France grew friendly, both Russia and Peiping recognized the revolutionists in French Indo-China. And, finally, Russia has guaranteed there will be no favorable action at this moment, by making Communist China's entrance into the UN part of a blackmail proposal in regard to Korea.

The UN observers who put forward the foregoing theory argue that the Russians greatly fear that the Chinese Communists might go the way of Yugoslavia. They want China to be insulated from the West as completely as possible for the next year or two. Concern over this danger has caused India to take the attitude she has.

It is still generally assumed that Russia does not want to precipitate World War III at this time. It is too late for her to do anything about Korea through the UN, unless some new and unforeseen situation arises. But the danger that the Russians may inspire a similar aggression somewhere else is real and pressing. Steps must be taken, and taken now before the emergency is upon us, to deal with this danger.

In this dilemma one obvious solution seems to present itself, and is now receiving consideration. The General Assembly is a meeting place of all the 59 member nations. It has no big-power veto. It represents the moral judgment of mankind more truly than does the Security Council, or any other group that exists or has existed in all history. The suggestion is therefore made that the rules of the Assembly be modified to provide that a special session can be called by the Secretary General within 48 hours after the Security Council has failed to act on any charge of aggression.

Quite possibly, not even this special machinery would be necessary. In theory, at least 10 days' notice is required for a meeting; but the delegates might easily be summoned specially by the Secretary General, who would make the first order of business the waiving of the notice ordinarily required. About 30 nations now keep permanent delegations in New York City; additional delegates for an unquestionable majority could arrive by air or could be brought from the embassies or consulates in Washington, on short notice. Under the Charter, once the Council has acted, there is nothing to bar the Assembly from proceeding to make its own determination as to whether aggression has occurred in any given instance. By a two-thirds vote it can identify an aggressor and recommend appropriate steps for the member nations to take.

To supplement this plan it would be desirable that a permanent "fire-alarm" commission should be set up, to be on the alert for possible aggressive moves at all danger points. Such a commission should probably have roving groups continuously present in Iran, Yugoslavia, or any other area where aggression seems likely.

Would action of this sort mean that Russia would leave the UN? Perhaps; but this is a risk which must be accepted. It is desirable to keep the Communist bloc in the UN if it can be done without appeasement, but not if it means blocking the effort to halt such aggression as that of the North Koreans. If the UN is not able to keep the peace, it loses its reason for being.

THE WEEK

WASHINGTON, THE UNREADY

Prices paid by consumers for food rose between two and three percent in the month from June 15 to July 15, according to the latest figures from the Bureau of Labor Statistics. Meat prices were mainly responsible, the Bureau said. In the general price field, BLS reports, the cost of lumber is "setting new peaks each week." As Congress and the Administration stewed over how much of the economy to bring under federal control and when, Senator John Sparkman (D, Ala.) called for immediate action to control prices on these two products. "Surprisingly, the people in the industry appear to be most concerned," Sparkman said. Lumber men "realize the price increases which have occurred for certain grades of lumber are unhealthy and won't do the industry any good in the long run."

Meat dealers, too, are facing the situation realistically. In Omaha, the president of the National Association of Retail Meat and Food Dealers came out in favor of price controls on, and rationing of, meat if large military demands continue. Government purchases for several million men under arms will inevitably mean that the supply of meat for civilians will become short and "short supplies mean high prices." "I don't know any other program to meet the situation" besides price control and rationing, the meat retailers' president told the press. "Right now," he said, is the time to consider a program."

Washington is still a long way from being ready to do that. As this is written, Congress is still weighing ways and means of mobilization. After Bernard Baruch made his case for complete mobilization and full controls on every aspect of the economy, President Truman's earlier request for a few "standby powers" to permit "partial" mobilization seemed to many members of Congress far too little. The Republicans, thinking to clean their own skirts and at the same time embarrass the Democrats by giving the President seemingly sweeping powers to deal with inflation, proposed a bill designed to out-Baruch Baruch.

As word came in from around the

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country that Americans generally feared soaring prices far more than they did a return to the OPA kind of regulation, the Democrats scurried to get price, wage and rationing legislation of their own on the floor. In the rush, the House brought out a bill so casually drafted that whole lines were missing from the early print, and even its sponsors were uncertain of its meaning at key points. After a four-day melee, the leaders called a recess to bring belated order into the proceedings.

As consideration of the President's request for mobilization powers begins again, the probability is that Congress—either now or in the next month or so—will give Truman the authority to impose price and wage ceilings and to ration commodities which become dangerously scarce, as well as to direct the flow of materials and supplies into war production. If this authority is granted in the standby form the President has asked, his problems will be relatively slight.

Local as well as Washington organizations must be set up to administer whatever controls are found necessary. A minimum staff of 5,000 would have to be recruited and trained before the government would be in position to set ceilings on, or ration, even a dozen or so selected commodities. But if the timing of the price-control program is left to the President, those details can be worked out. Passage of the Republican proposal to freeze the entire economy in its tracks right now, or of the so-called Fulbright plan to freeze wages and prices automatically when the official cost-of-living index shall hit a .5 percent above the pre-Korean war level, on the contrary, would commit the executive branch to an administrative job hopelessly beyond its present ability.

Whatever the Congressional decision, the President should speed up his preparations for taking charge of the economy. Meat seems certain again, and very soon, to become the consumers' most vexing problem. To make price ceilings and rationing of meat work effectively, we should probably consider creating a giant government meat cartel which would buy the total supply from the farmers and cattle growers and employ the packinghouse industry to serve as its agents in distributing that supply so long as the mobilization must continue.

PROFITS AND TAXES

President Truman is being pressed hard to go farther and faster on taxes. Strong dissatisfaction with the Administration's request for only a $5 billion immediate tax increase is rising in many quarters of Congress. A surprise move by Representative Walter Huber (D, Ohio) to enact an excess-profits resolution almost succeeded during the House debate on the general mobilization bill. It is now assumed that some proposal to tax excess profits by $5 billion or more will be considered before this session ends.

Industry's chances of escaping a special profits levy until next year dropped sharply with the publication of preliminary quarterly-earning figures last week. A special *Wall Street Journal* study of 321 corporations showed profits after taxes averaging 46.5 percent above those of a year ago and 31.8 percent above earnings for the first quarter. The automobile, iron and steel industries showed profits 57 percent higher than a year ago. Aircraft manufacturers increased their profits 117 percent above the second quarter of last year. The clearest reflection of the upward swing from the 1949 recession is shown by the profits of metals and mining companies, which have increased 498 percent in the last 12 months.

Faced with the unpleasant political task of freezing wages, many Congressmen up for election are recognizing that their position will be untenable unless they put a ceiling on profits at the same time. Union men, employed by the General Motors Corporation or General Electric, will have some questions to ask if they are forbidden to strike for higher wages next year and their employers are not forbidden to widen their profit margins. General Motors reported a net profit after taxes in 1949 of $656 million, about 33 percent on the net worth of the corporation. This year, General Motors will earn close to $850 million after taxes, or about 45 percent on net worth. General Electric has increased its profits this year by 66 percent.

The annual profits of all corporations after taxes reached $10 billion in World War II. Government statistics show that corporate profits had reached $19 billion by the first quarter of this year, and there is every indication that the annual rate of profits will be at least $25 billion in the second half of this year. If taxes are not increased in the remainder of 1950, all of the corporations in the United States will be earning, after taxes, at least two and one-half times their profits at the peak of World War II.

Senator Joseph O'Mahoney (D, Wyo.) has introduced an amendment providing for an excess-profits tax equal to 75 percent of the average profits for the years 1947-49. Representative Helen Gahagan Douglas (D, Calif.) and other members of the House are urging an even steeper tax scale. They would cut aggregate corporate profits after taxes back to a maximum of 50 to 75 percent of the World War II peak to bring $8 to $10 billion into the federal treasury.

Secretary of the Treasury John Snyder, testifying for the Administration before the Senate Finance Committee last week, asked that the question of excess-profits legislation be postponed until January so that the government will be better able to determine the full sum needed to be raised through taxation. Senator Walter George (D, Ga.) and Representative Robert Doughton (D, N. C.), chairmen of the Senate and House Committees in charge of fiscal policy, strongly agree with the Secretary on this point. Support for an immediate excess-profits law is growing even inside these committees, however. Senator Richard Russell (Ga.), bellwether among the conservative Democrats, has announced that he favors a large pay-as-you-go plan. It will be strange if the Fair Deal lags far behind Russell.

TOPSY-TURVY ECONOMICS

The other day, steak reached $2 per pound at retail in Boston. At just about the same time the United States government put on sale 30 million pounds of good quality canned beef at five cents a pound. It also offered for sale similar quantities of butter at 15 cents a pound; cheese at 7.5 cents; dried eggs at five cents, and skim milk, beans and peas, all at parallel reductions. None of this food, however, will be eaten by American citizens. The purchasers will

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be foreign governments, members of the Food and Agriculture Organization. They must agree to give the food away to their poor, and not let it get into regular channels of trade.

Most of this food is part of the surplus acquired by the US government in the course of supporting farm prices (the beef was bought from Mexico in connection with a campaign to stamp out hoof-and-mouth disease). In nearly all cases, even the many millions of pounds of food now offered amount to less than 50 percent of what the government has on hand.

The price-support program is desirable from the standpoint of the national economy; keeping the farmers prosperous helps to keep everybody else prosperous. American relief agencies can get food from our surplus stocks on terms even more advantageous than those offered to foreign countries. To dump these foods on the open market, in this country, would be a ruinous act in more ways than one. Nevertheless, it proves the Alice-in-Wonderland economics of the modern world that this vast amount of food should be available only to the extremely destitute, at a cost which is about one-sixth of what the government paid for it, while the mass of the population, with a little money in its pocket, is fighting the high and painfully increasing costs of inflation.

THE WASHINGTON POST

"I don't need you to protect me, junior."

JIM CROW AT THE FRONT

News reports here and abroad about "all-Negro" troop units are proof enough that the so-called "new racial policy" in the Department of the Army, announced six months ago, is only on paper. The Army continues to lag far behind the Air Force and the Navy in carrying out President Truman's executive order requiring "equality of treatment and opportunity in the armed services."

Early in the Korean campaign, the press reported that one of the oldest "all-Negro" units, the US Twenty-fourth Infantry Regiment, captured Yechon in a 16-hour battle, our first hard-fought victory. Reports praised the Negro fighters, and the Negro press made much of the news. No one, not even the Negro reporters, mentioned the fact that an "all-Negro regiment" is contrary to the Army policy. The Washington *Post* recently ran this headline: "All-Negro Command Gets Orders." This is a National Guard unit, the 715th Quartermaster Transportation Truck Company, which received orders to report for active service on August 14.

The National Association for the Advancement of Colored People last week called for an immediate investigation "of the manner in which Negro troops are treated in Tokyo and the elimination of the racial discrimination so persistently reported." The NAACP had received a letter stating that discrimination in Tokyo was "as flagrant as it is in Georgia," and cited a report that General Walter Leo Weible had issued an order restricting Negro personnel in the Army units to one of four swimming pools controlled by the occupation forces.

For six months now the Army has neglected to implement the President's non-segregation policy, despite the good example of the Air Force in achieving almost complete integration very promptly. To establish our right to lead a United Nations force in this war, it is more important than ever to abolish race discrimination in our own country. Secretary of Defense Louis Johnson should immediately appoint a board to follow up the recommendations of the Fahy Committee and see that Jim Crow is driven out of the Army once and for all.

"THE MORAL CREDITOR"

News of the US Senate's action in voting for a $100 million loan to Spain was hailed in the Spanish press as belated recognition of Spain's long battle against Communism. The Catholic newspaper *Ya* declared that regardless of whether the loan gets final approval, "the truth is that our political attitude has made headway. Spain today is the moral creditor of the Western World."

The action of the Senate in reversing American policy with regard to Franco Spain came by an overwhelming vote and with scarcely a whimper of opposition. The McCarran amendment to the foreign-aid appropriations bill, directing the Export-Import Bank to loan Spain $100 million, passed 65-15, with 34 Democrats and 31 Republicans voting for the amendment, only three Republicans and 11 Democrats opposing it.

The two-hour debate which preceded passage was remarkable for the fact that the proponents of aid to Spain managed to discuss the subject without ever mentioning the name Generalissimo Franco or the word Fascism.

Senator McCarran spoke of the Spanish nation as "a great Christian people, a great liberty-loving people, desirous of helping themselves and thereby of helping us," which has "consistently through all the ages and through all the years fought, opposed, and indeed defeated Communism." The supporters of the loan stressed the strategic advantage of having Spain on our side—"the country that would control Gibraltar would control the Mediterranean, and the country that would control the Mediterranean would control Northern Africa and Southern Europe. . . ."

Not until Senator Wayne Morse (R, Ore.) obtained the floor to deliver a speech which he titled "A Wrestle With

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One's Conscience" were the Senators reminded of Spain's previous record. "We are confronted with the fact that Spain is a Fascist nation," Morse said. "So far as I have been able to find, that great essence of democracy, which is the exercise of a freedom of choice at a truly free ballot box, is as nonexistent in Spain as it is in Communist Russia."

Morse feared the effect of a loan to Franco Spain on public opinion in England and France, questioned such action in light of the fact that Spain has not yet met the test of the United Nations for membership, pointed out that "there are thousands of American boys lying buried in Europe today because of the behind-the-scenes support that Franco gave to Mussolini and Hitler" during the last war. "I fear that this loan will be an aid to lying Russian propaganda about us. I fear that this loan will raise doubts as to our devotion to the principles of freedom. I fear that this loan will not stand the judgment of history," Morse said.

But Morse had little support. Democratic leaders Scott Lucas (Ill.) and Chairman Tom Connally (Tex.) of the Senate Foreign Relations Committee had decided in the Democratic Policy Committee session just before the debate that they would support the loan. Senator O'Mahoney was elected to introduce the "compromise" resolution for the Administration directing the Export-Import Bank to grant the loan rather than taking it out of the present ECA budget for Marshall Plan countries.

The one-sided vote came as no surprise to those who have watched the recent changing attitude toward Spain. An active Spanish lobby has courted Southern Congressmen with promises of importing cotton; the Catholic Church in this country has plugged hard for the loan; and the military, with an eye on strategic bases, has ignored the State Department's half-hearted opposition to a close alliance with Spain. As soon as the bill was passed, Senator Styles Bridges (R, N. H.) proposed that the United States seek an agreement with Franco for the use of Spanish bases in the event of war. Bridges would like to include Spain in the $5 billion to be spent for rearmament abroad.

President Truman sharply criticized the Senate action. He said there was nothing in the world to prevent the Spanish government from applying for a loan to the Export-Import Bank and getting favorable consideration if sound collateral were offered. His statement brought about a motion by Senator Harley Kilgore (D, W. Va.) to reconsider the McCarran-O'Mahoney amendment. The Senate voted to table, again by 65 to 15. Five members who previously favored the loan switched sides and voted against tabling the motion, but the total was the same because of absenteeism.

Secretary Acheson at a press conference said that he objected to the Senate action because it "directed" the Bank to lend the money. The State Department rationalizes that a business-like loan could be justified. Acheson pointed out the steps that Spain should take before she could be regarded as a good risk (which he recommended in a letter to Senator Connally last January): acceptance of a treaty of friendship, commerce and navigation; simplification of its foreign-exchange system and its control on imports and exports; and a lifting of the Spanish government's restriction of 25 percent on the participation of foreign investors in any Spanish enterprise. So far, Spain has not met these requirements.

SOCIAL SECURITY GAIN

Labor and liberal groups deserve a great deal of credit for having pressed Congress into following President Truman's proposals for an expanded social-security program with increased benefits. In a measure that will bring 10 million more persons under the old-age insurance system and will increase benefits an average of 77 percent and double them in some cases, the Senate-House Conference Committee has reconciled the bills passed by the two Houses.

Under the liberalized system, maximum "family" benefits would jump from $85 to $150 a month. The present minimum "primary" benefit would increase from $10 to $20 monthly, and the maximum would rise from $46 to $80. The Conference Committee retained the Senate amendment raising the present taxable wage base from $3,000 to $3,600 a year, with taxes to be paid by employee and employer on a 50-50 basis. Payroll taxes will double over the next 20 years to finance the expanded program. The tax will rise from two percent in 1954, to three percent in 1965 and to 3.25 percent in 1970.

The new bill establishes a trend toward more uniform payments, a great improvement over the present system. Much less weight will be given to the number of years an individual has contributed taxes, and the "new start" provision will enable persons to qualify for pensions at 65 by working as little as 18 months after 1950 if at least half of that time is spent in a "covered" job. The bill will add 10 million more workers to the retirement system: five million self-employed persons, excluding farmers and certain professionals; a million full-time farm laborers; a million regularly-employed domestic workers; and several smaller groups including government workers not already covered by other retirement programs. The Treasury Department is given the responsibility for devising a method for collecting the tax from domestic workers and farm hands.

The Conference Committee rejected provisions for the establishment of permanent and total disability insurance. Both the American Medical Association and the insurance companies lobbied against this provision, which was strongly backed by the CIO and other labor groups. However, the Committee did provide strictly relief payments, under the "assistance" sections of the bill, to some 200,000 needy persons who are totally and permanently disabled. Federal grants, amounting to about $65 million a year, would be available to totally disabled persons and grants to dependent children would be increased.

One major defect in the bill which the conference committee refused to change is the Knowland amendment, restricting the Secretary of Labor's power to hold up unemployment insurance funds to any state that fails to meet federal standards (Representative Walter Lynch, New York Democrat, refused to sign the conference report because the amendment was not eliminated).

The conference report is expected to be adopted by both Houses this week and will then go to the President for his signature. The provisions of the bill will go into effect October 1.

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OUTSIDE AMERICA

Moscow's new post-Korea strategy in Western Europe is based, according to the New York *Times*, on "the call for the creation of Fifth Columns in all free countries to sabotage both their economy and their defense preparations." If this discovery by the nation's greatest and best informed newspaper is typical of the press in general, the Americans seem to be getting European political "intelligence" about on a par with the kind of Asiatic military "intelligence" which General Douglas MacArthur furnished to the White House and Pentagon before the Korean attack. For (as readers of this column know) Moscow's call for fifth columnism isn't new at all. It was issued more than six months ago. (See "The Communist Strategy in France," the *NR*, April 3, 1950.)

Naturally, Moscow's military aggression was supported by a stepping up of propaganda aggressiveness in Western Europe. Its fifth columnism was intensified; and it was also extended to include West Germany. But it would be a grave mistake for Americans to assume that the newness of the situation in which they find themselves after Korea is matched exactly in Western Europe, and that therefore new problems call for new approaches.

The change made in the Western European problem by Korea is of degree, not of kind. The problem (for American policy) is how to find a *way* to organize the western nations as parts of an Atlantic Community; and, not less important, how to instill in the masses of the people a *will* to accept the necessary sacrifices, or rather the additional sacrifices. Fifth columnism has from the start tried to obstruct both the will and the way.

The way began by being support for Western European recovery: the Marshall Plan. Gradually, as the cold war became worse, it became more and more military. Now, as the meeting of the Atlantic Pact Deputies in London made clear, it may become totally (or almost) military. Few Europeans would disagree with the view of the conservative London *Economist* that:

> The place where the issue will be determined—whether it be by cold war or hot—is in Europe. It is here that the two systems lie close together and where mortal blows can be exchanged. . . . The very first priority of a policy of peace through strength is to create an international army in being in Europe strong enough to deter aggression. . . . Just as the Prague coup ensured the passage of Marshall aid, the Korean aggression can turn the policy of containment from a diplomatist's blueprint into cold military reality.

But the problem of the Western European masses' *will* can become worse precisely because the economic and social reality for large numbers of Europeans will also be colder after Korea. On the national basis, the role of France in the Atlantic Community comes up. The *Monde* of Paris wrote:

> France does not want to see once more either 1914 or 1939. Not only should [military] expenses be divided equitably, proportionate to the national revenue of each country, but the furnishing of troops and supplies should also be geared to the human and industrial potential of each. No government could morally and materially impose on its country a burden conflicting with its recovery and reconstruction, that is, with the repair of the last war's ruins. France, whose vitality is not as intact as that of other nations which have not twice in twenty years borne the brunt of battle, cannot constitute once more the shock infantry of Europe.

On the economic and social basis, the post-Korea problem of the relation of the working and under-privileged classes to the whole nation-in-arms was brought up by the *Figaro* of Paris:

> It is beyond question that one of the purposes of the Korean aggression was to ruin the restoration of non-Communist Europe, to prevent the accomplishment of its task of social justice. The threatened countries are forced to carry out quickly an effort of rearmament that excludes the efforts of reconstruction and of social reorganization. It is impossible to forge a shield and at the same time to improve the conditions of those—and they are many—whose situation demands improvement.

It is significant that the encyclical *Sumnis Moeronis* issued by Pope Pius XII at the start of the second month of the Korean war linked an appeal for peace with a renewed stress on the need "to lift the working people to a state worthy of man" and "to lead the proletarian classes toward a better future."

The Western European problem which Communist fifth columnism exploits is that of the equality of opportunity among nations and among social classes. After Korea, the change is that equality becomes that of sacrifice rather than opportunity.

The Soviets, says Jean-Jacques Servan Schreiber of the *Monde*, stand a good chance of winning what they started in Korea if two of their hopes are fulfilled: the blindness of the Americans and the impotence of the Europeans. He writes:

> If America falls into the trap and engages in hostilites with [Communist] China, all of Asia will fall under the control of the Kremlin. If Europe continues to show the passive mentality of a spectator and considers itself incapable of a serious effort of rearmament before America tries to take over control of it and to give it orders, then the internal conditions of a [European] civil war will be brought into being.

There is another kind of American blindness that can be equally (if not more) disastrous in Western Europe. This is to fail to understand that the European problem of the way to strengthen the Atlantic Community is dependent, even more now than before Korea, on the creation of the *will* to resist aggression; and that the will is dependent upon equalization of sacrifice among nations and social classes.

Despite the neutralists, the defeatists, the pessimists and the cynics, a larger number of Frenchmen are convinced that France is now an active participant rather than a bystander. And the will to resist is, in France at least, stronger among the workers than among other classes. Therefore clear-sightedness in American policy would dictate that the burdens of participation be divided equitably; that military emphases in the relation between America and Europe, while necessarily of first priority, be kept from totally excluding the economic and the social; and that fifth columnism be faced not only by repression but also by reform.

PERCY WINNER

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SECURITY AND LIBERTY

by Francis Biddle

WHEN WE WENT to war to defend the Republic of Korea against the Communist invasion, there was an immediate sense of relief, such as action, freed from the difficult processes of thought and choice, so often brings. We were doing something, instead of talking about it, and the country was united behind the President's decision. Inevitably, emphasis shifted to armament and military security.

As war proceeds, particularly when there are early reverses to face, patriotism is apt to catch the certainty of the fanatic and to become dogmatic and meddlesome. At such times an impatient and fearful democracy is likely to brush aside its ultimate safeguard—protection of the right to dissent.

Protection of civil liberties is therefore more important now than ever before.

Thomas Jefferson, when he called the United States "the strongest government on earth," in his first Presidential inaugural address in 1801, was expressing his conviction that the strength of the little republic, hardly a quarter of a century old, lay in the uncontrolled energy of its free men. We needed no laws against revolutionary agitators (such as the Alien and Sedition Acts of 1798) if "reason is left free to combat error." The agitators were of course the Jacobins and their fellow travelers, men sympathetic to the French Revolution, which had hardly emerged from the Terror and was heading into the world imperialism of Bonaparte.

For a long generation in England—historians place it from 1792 to 1832—fear of that revolution and imperialism blocked political and social reform. "The advocates of Parliamentary reform," said Sir Thomas Erskine May, "had been confounded with Jacobins, and fomenters of revolution. . . . The government, harassed by suspicions of disaffection, detected conspiracy and treason in every murmur of popular discontent." Committees of the two Houses of Parliament and of the Privy Council conducted investigations of "subversion" and issued frightening reports. In 1795 the Treasonable Practices Bill dispensed with overt acts as a basis for treason. After that time, printing presses were registered, reading rooms treated as disorderly houses, "disputing clubs" were dispersed, schoolmasters dismissed for "traitorous expressions." William Freud was dropped from Cambridge for approving the French Revolution in a pamphlet, "Peace and Union Recommended." In Manchester, clubs of a "dangerous tendency" were boycotted. Loyalty oaths were collected, opinions canvassed and reported, societies tested for their patriotism.

The United States during this period, and for many years to follow, with the brief exception of the Alien and Sedition laws, was free of such manifestations. America fought four wars after the Revolution without setting up any sedition statutes. The first wartime sedition law was adopted in 1917; the first peacetime sedition law since 1798, in 1940.

Contrast the two countries during the years when fear of revolutionary Russia was common to each. Great Britain fought the First World War without the expressions of vindictive terror which characterized the United States during the same period—the sedition trials, with their cruelly severe sentences of little people for using language critical of the war effort; the illegal expulsion of the five Socialists from the New York Assembly in 1920, on an avowed basis of guilt by association; the shameful Palmer raids of the same year.

It is of course true that the present nervous anxiety has a very concrete basis. Jefferson's world did not experience the current techniques of infiltration, subversion and police terror which the Nazis introduced and the Communists refined. The fear of Russian imperialism —naked, ruthless, powerful, unscrupulous—was greatly stimulated when we heard that the USSR had successfully experimented with the atomic bomb. Yet this fear had already taken form before 1950, with the establishment of the House Un-American Activities Committee in 1938; the Sedition Statute of 1940, in which, for the first time, guilt by association was recognized as a federal crime, through making it criminal to be a member of a seditious organization; the federal loyalty procedure, established in 1947; the teachers' loyalty oaths; the state investigations of Communism on the campuses of the universities; the dismissal by Evansville College in 1948 of Dr. George F. Parker, assistant professor of Religion and Philosophy, for taking an active part in the campaign of Henry A. Wallace.

The fact that there is a real basis for the fear is an added reason for withstanding its corroding effects. Today we are fighting a hot war with the Korean Reds, and a world war, psychologically speaking, with all the Communists. This cold war may cover a long generation, in which Americans—impatient, frustrated, uncertain—on the alien theory that they can protect their institutions of freedom by measures of thought control, will abandon the liberties about which they once cared so

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passionately, and for which they fought their revolution.

"Say at once," exclaimed Charles Fox when a new bill to prevent seditious meetings was being discussed in Parliament in 1795, "that a free constitution is no longer suited to us."

"There is enough time," wrote Harold L. Ickes in the *New Republic* in October, 1949, "to prove to the world that true Americanism will not submit to being consumed to dead ashes, from within, by unreasoning fear."

There can be little doubt that President Truman established the federal loyalty procedure in March, 1947, to block more extreme measures by Congress and to insure procedures as fair to employees as security considerations would permit. The results, in a time of normal reaction, might have been expected to quiet the anxiety of the public about the loyalty of their public servants. As of May 31, 1950, the Loyalty Review Board reported that of the 8,026 cases adjudicated by the loyalty boards, covering the combined incumbent and appointee program, 7,709 employees had been finally found eligible, and 225 dismissed as a result of a determination that their loyalty was in doubt (the balance of the cases was still pending). This percentage of possibly disloyal workers (the doubt is determined in favor of the government)—less than three percent—becomes much more significant when we remember that it applies only to employees and applicants considered worth an intensive investigation on account of derogatory information in their records. The true percentage must be based on the total numbers of federal employees. The report showed that in the incumbent program 126 had been dismissed—126 out of nearly two million employees.

Seth W. Richardson (a Republican), Chairman of the Loyalty Review Board and in charge of the administration of the program, testified recently before the Senate subcommittee investigating Senator Joseph McCarthy's charges of Communist infiltration in the State Department, that the loyalty investigations had not produced "one single case" of espionage, or turned up any evidence "directing towards espionage."

But these results did not satisfy the Republican opposition, any more than the report of the Attorney General's Interdepartmental Committee on Investigations, in September, 1942, satisfied Martin Dies, who, like Senator McCarthy, was determined, irrespective of the facts, to find "Reds" in government. McCarthy renewed his charges. Robert A. Taft, who had been to many (even to those who thought of him as living in the eighteenth century) a figure of singular courage and integrity in the Senate, supported McCarthy, and told reporters (according to the New York *Times*) that he had been personally urging McCarthy to press his prosecution, "and if one case didn't work out to bring another." A substantial part of the public believed McCarthy. Conditioned to intellectual corruption, into which their uneasy fears, constantly fanned by the House Committee on Un-American Activities, had driven them, they had become deeply distrustful of the loyalty of their own public servants, and were prepared to condemn them before any evidence had been produced.

The federal loyalty program has now been in operation for nearly three years. The hearings are secret, and the individual records and findings are not made available to the public, on the theory that the employees should be protected from the possible injustice of publicity. Yet even if they have not been suspended during the investigation it is hardly conceivable that their immediate office associates would not know about the charges. Their friends and family, many of whom are questioned, are bound to know. And if they are dismissed it is hardly probable that anyone considering employing them would not take pains to be informed of the reasons.

The underlying theory on which the federal procedure is based is that a civil servant has no "right" to employment. Richardson emphasized this view in an early statement of the Board's aims and procedures: "The Board is of the opinion that, legally, the Government is entitled to discharge any employee for reasons which seem sufficient to the Government, and without extending to such employee any hearing whatever." Such a justification for the program seems to me basically unsound. This is not a problem of the legal right of the individual to work, but of justice to the individual when he is dismissed. It brings in question the wisdom of modifying a safeguard built up over many years in the field of civil service, and expressed in the civil service rule, promulgated more than 60 years ago, that "no question in any . . . proceeding . . . shall call for the expression or disclosure of any political opinion or affiliation."

Under the loyalty order, government employees are not extended the practices written into the Administrative Procedure Act of 1946, such as: the separation of the functions of prosecutor and tribunal; the issuance of subpoenas as a matter of right; public hearings; the right to cross-examine all the evidence; the issuance of a complete record, including findings and conclusions. Such protections in the vast area of other government administrative procedures are deemed inapplicable to government employees, whose whole future is at stake, on the legalistic theory that since this was no "trial," and they were not "punished" or deprived of any "right," the government owed them nothing.

The shadow is given, the substance withheld. Thus the charges must be specific—but only as specific as "security considerations permit." The employee may cross-examine—but he has no contact with the inform-

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ants, who never testify, and whom even the loyalty boards are not permitted to call before them. Testimony is under oath—but not the testimony of the informant. A written record is made of the hearing, but it does not contain the confidential "report" on which the decision is actually based.

That procedural safeguards are not employed is illustrated in the case of Dorothy Bailey. She was discharged, after ten years of highly competent service, on a finding that reasonable grounds existed for the belief that she was disloyal to her government. The Circuit Court of Appeals for the District of Columbia refused to reinstate her, and the Supreme Court has granted *certiorari* to review this judgment. The only evidence at the hearings was presented by Miss Bailey on her own behalf, so that there is nothing derogatory to her in the record which came before the Court. But this record had nothing to do with the decision, which was based, as Judge Henry Edgerton said in his dissenting opinion, on "the unsworn reports in the secret files to the effect that unsworn statements of a general sort, purporting to connect appellant with Communism, had been made by unnamed persons."

From the examination of a few records it is impossible to determine the adequacy or fairness of the procedure. It is the opinion of lawyers actively engaged before the loyalty boards that they vary greatly in competence and fairness, and that the Review Board has done an excellent job of correcting unjust determinations. But the type of examination that is frequently used by the loyalty boards is bound to discourage government employees from feeling free to associate themselves with any liberal movement. In one case, an employee, a Texan, was accused of belonging, among other associations, to the Washington Bookshop, listed as subversive by the Attorney General. He had joined because books could be bought there at a discount, and because the idea of non-segregation at the meetings attracted him. A Southern member of the loyalty board which examined him asked whether he would go to a meeting "simply because it was non-segregated. . . . It is rather unusual, you will have to admit, for persons born and raised in Texas to feel that that would be the reason to join the Washington Bookshop."

The only test for appointment or removal of an employee, under the procedure, is loyalty to the Government of the United States. "Loyalty" is nowhere defined. It is essentially personal and moral, based on individual choice—at least in a democracy—and may find expression in a dozen forms and activity, fulfilling a devotion to country which, as Lord Acton has somewhere suggested, is in political life what faith is in religion. To discover loyalty it is necessary to get into a man's mind and his heart. In addition to his associations, the records are filled—as indeed they must be under such a test—with reports of interviews with his neighbors, his friends, his landlady or janitor, his students, his employers.

The test used in Great Britain in a comparable system is "security," and the procedure is confined, as Prime Minister Attlee reported to the House of Commons when it was introduced, "to work the nature of which is vital to the security of the State."

In our federal system it is inevitable that states should look to the federal government in fields of legislation and administration affecting the common security, and vice versa. The federal Espionage Act of 1918 (repealed in 1921) was modeled on the Montana statute of the same year. The principle of guilt by association with organizations listed by the Attorney General, in the federal loyalty procedure, was quickly echoed and expanded in the states. Under the federal program, membership in a "subversive" organization was only "one piece of evidence" to be considered in determining the employee's loyalty. In 1949 the Fineberg statute in New York made membership a *prima facie* cause for the disqualification of the employee. A few weeks later Maryland made it a felony, punishable by not more than five years' imprisonment, knowingly to become or remain a member of such an organization; and provided for a special assistant attorney general, in charge of subversive activities, whose duties included maintenance of records reflecting "on the loyalty of any resident of the state." The federal list is accepted as a criterion by New York, which authorized the Board of Regents to list organizations which it considers subversive, and for this purpose to "utilize any similar listings . . . promulgated by . . . federal . . . authority."

Intolerance spreads like an epidemic, particularly in legislation, and under the impact of our early reverses in Korea, more legislation of the same kind may be expected. As this is written it would appear that the extreme Mundt-Nixon bill, vigorously opposed by the Attorney General, might easily be passed before Congress adjourns.

If the problem were considered solely one of security, which I believe it to be, the FBI would be relieved of the futile necessity of compiling a mass of information on the loyalty of clerks in the Bureau of Labor Statistics or in the Poultry Branch of the Department of Agriculture. Such dissipation of energy, at a very great financial and moral cost, is bound to weaken the prestige of a well-trained and highly competent organization. Spies in or out of the government are caught by counter-espionage, not by loyalty tests. Employees in key positions where there is access to secret material should be subjected to the closest scrutiny. But that need not involve the blanket methods now practised.

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For such methods are essentially un-American, and tend to break down the carefully built structure of civil service and to leave an unavoidable trail of suffering. There is the case of an employee who was suspended during his investigation which, under the previous and current systems, stretched over more than 20 months. He was finally reinstated, and is now entitled to be paid his accumulated salary. But he will leave Washington. His children hate the city, which is not unnatural, since for two years their schoolmates have been calling them "dirty little Communists. . . ."

Recently the Senate subcommittee set up to investigate the McCarthy charges recommended that the President appoint a commission to study the loyalty program in order to determine its adequacy to meet the requirements of security at this critical juncture. This is an excellent suggestion.

But President Truman, who has frequently shown his genuine concern in preventing unnecessary hardships and in making sure that "the civil rights of all employees of the Government shall be protected properly and adequately," should also direct such a commission to assess the operation, examine the records and study the present procedure, to discover whether civil rights were in fact being protected. Such a commission should consider under what circumstances the reports of informers should be withheld, and by whom the decision to exclude them from the record should be made; when cases should be reopened (John S. Service was cleared four times by the State Department); whether it is necessary to reinvestigate employees when they move from the Army or the Atomic Energy Commission into a position covered by civil service; whether it is right for the loyalty board of a department to act both as prosecutor and judge; the need for the Attorney General to list organizations which do not come under the provisions of the Hatch Act (which requires the dismissal of persons belonging to organizations advocating the overthrow of the government by violence), and the procedure under which the listing should be made.

This commission might well consider a recommendation that the expenses of the employee in defending himself should be paid by the government, and the desirability, during suspension, of continuing the salaries of employees, who, in theory at least, are not being punished. The country would be interested in knowing what positions were held by those who were discharged, and how many Communists were among them. The commission should report on the effect the program was having on the morale of government employees, and whether it was calculated to discourage applicants for public service. Present legislation should be reconsidered, such as laws excluding certain departments from the protective provisions of the civil service.

For the security of our country is ultimately based on the liberty of its people. "Liberty," wrote Walt Whitman, "relies upon itself, invites no one, promises nothing, sits in calmness and light, is positive and composed, and knows no discouragement."

COMMUNISM AND CONSPIRACY

THE ELEVEN LEADERS of the Communist Party of the US, who were found guilty of conspiring to advocate the overthrow of the government by force and violence (not of conspiring to overthrow the government) in a trial under Federal Judge Harold R. Medina October 14, had their convictions confirmed last week by the US Court of Appeals. The three judges, Learned Hand, Harrie B. Chase and Thomas W. Swan, were unanimous in holding that the eleven had been properly tried and found guilty. The Court also upheld the constitutionality of the Smith Act, under which they had been indicted.

Judge Hand wrote the main opinion, about 20,000 words long, and Judge Chase wrote a separate 2,000-word concurring opinion.

The importance of this decision speaks for itself. While the defendants will presumably attempt to take this case to the US Supreme Court, there is no guarantee that that Court will accept jurisdiction, so that the present decision may remain the last official word on this important question in the sensitive field of civil liberties. And even if the case does go to the highest court, the present decision will powerfully influence the Justices. The US Court of Appeals has great prestige; Judge Hand is one of the most distinguished members of the American judiciary.

We publish below the most important sections of Judge Hand's opinion (reparagraphed for journalistic purposes):

From this wearisome analysis of the decisions of the Supreme Court it has appeared as we indicated at the outset, that to deprive an utterance of the protection of the [First] Amendment it is not always enough that the purpose of the utterer may include stirring up his hearers to illegal conduct —at least, when the utterance is political. The same utterance may be unprotected, if it be a bare appeal to action, which the Amendment will cover if it be accompanied by, or incorporated into, utterances addressed to the understanding, and seeking to persuade.

The phrase, "clear and present danger," has come to be used as a shorthand statement of those among such mixed or compounded utterances which the Amendment does not protect. Yet it is not a *vade mecum*; indeed, from its very words it could not be. It is a way to describe a penumbra of

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occasions, even the outskirts of which are indefinable, but within which, as is so often the case, the courts must find their way as they can.

In each case they must ask whether the gravity of the "evil," discounted by its improbability, justifies such invasion of free speech as is necessary to avoid the danger. We have purposely substituted "improbability" for "remoteness," because that must be the right interpretation.

Given the same probability it would be wholly irrational to condone future evils which we should prevent if they were immediate; that could be reconciled only by an indifference to those who come after us. It is only because a substantial intervening period between the utterance and its realization may check its effect and change its importance, that its immediacy is important. . . .

We can never forecast with certainty; all prophecy is a guess, but the reliability of a guess decreases with the length of the future which it seeks to penetrate. In application of such a standard courts may strike a wrong balance; they may tolerate "incitements" which they should forbid; they may repress utterances they should allow; but that is a responsibility that they cannot avoid. Abdication is as much a failure of duty, as indifference is a failure to protect primal rights.

In the case at bar the defense seems to us to kick the beam. One may reasonably think it wiser in the long run to let an unhappy, bitter outcast vent his venom before any crowds he can muster and in any terms that he wishes, be they as ferocious as he will; one may trust that his patent impotence will be a foil to anything he may propose. Indeed, it is a measure of the confidence of a society in its own stability that it suffers such fustian to go unchecked.

Here we are faced with something very different. The American Communist Party, of which the defendants are the controlling spirits, is a highly articulated, well contrived, far spread organization, numbering thousands of adherents, rigidly and ruthlessly disciplined, many of whom are infused with a passionate Utopian faith that is to redeem mankind.

It has its founder, its apostles, its sacred texts—perhaps even its martyrs. It seeks converts far and wide by an extensive system of schooling, demanding of all an inflexible doctrinal orthodoxy. The violent capture of all existing governments is one article of the creed of that faith, which abjures the possibility of success by lawful means.

That article, which is a commonplace among initiates, is a part of the homiletics for novitiates; although, so far as conveniently it can be, it is covered by an innocent terminology, designed to prevent its disclosure.

Our democracy, like any other, must meet that faith and that creed on the merits, or it will perish; and we must not flinch at the challenge. Nevertheless, we may insist that the rules of the game be observed, and the rules confine the conflict to weapons drawn from the universe of discourse.

The advocacy of violence may, or may not, fail; but in neither case can there be any "right" to use it. Revolutions are often "right," but a "right of revolution" is a contradiction in terms, for a society which acknowledged it could not stop at tolerating conspiracies to overthrow it, but must include their execution.

The question before us, and the only one, is how long a government, having discovered such a conspiracy, must wait. When does the conspiracy become a "present danger"? The jury has found that the conspirators will strike as soon as success seems possible, and obviously no one in his senses would strike sooner.

Meanwhile they claim the constitutional privilege of going on indoctrinating their pupils, preparing increasing numbers to pledge themselves to the crusade, and awaiting the moment when we may be so far extended by foreign engagements, so far divided in counsel, or so far in industrial or financial straits, that the chance seems worth trying. That position presupposes that the Amendment assures them freedom for all preparatory steps and in the end the choice of initiative, dependent upon that moment when they believe us, who must await the blow, to be worst prepared to receive it.

We need not say that even so thoroughly planned and so extensive a confederation would be a "present danger" at all times and in all circumstances; the question is how imminent, that is, how probable of execution, it was in the summer of 1948, when the indictment was found.

The Court then reviews the present world situation, saying that no movement comparable to Communism, "of East to West," has arisen since Islam. It mentions the situation in Berlin, and worldwide Communist propaganda. The only justification, the Court suggests, for arguing that there is no "probable danger"

is that in spite of their efforts to mask their purposes, so far as they can, consistently with the spread of the gospel, discussion and publicity may so weaken their power that it will have ceased to be dangerous when the moment may come.

That may be a proper enough antidote in ordinary times and less redoubtable combinations; but certainly it does not apply to this one. *Corruptio optimi pessima.*

True, we must not forget our own faith; we must be sensitive to the dangers that lurk in any choice; but choose we must, and we shall be silly dupes if we forget that again and again in the past 30 years, just such preparations in other countries have aided to supplant existing governments, when the time was ripe.

Nothing short of a revived doctrine of laissez-faire, which would have amazed even the Manchester school at its apogee, can fail to realize that such a conspiracy creates a danger of the utmost gravity and of enough probability to justify its suppression.

We hold that it is a danger "clear and present."

However, although for the foregoing reasons we agree with the Eighth Circuit Court that the Smith Act is constitutional, so limited, it does not follow that as a matter of interpretation it may be so limited, or that the judge was justified in charging the jury that they need only find the defendants meant to use violence "as speedily as the circumstances would permit it" (the overthrow or destruction of the government) "to be achieved."

The words of the Act are unconditional and forbid advocacy or teaching of such a violent overthrow at any time and by anyone, weak or strong; literally, they make criminal the

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fulminations of a half-crazy zealot on a soap box, calling for an immediate march on Washington.

Therefore, the defendants argue that if the Act is to be limited as it must be to be valid, Congress must limit it; and further, that, if it were so limited, it would become too vague to serve as a definition of crime.

We think not. Section 40 of the original act provided by a not uncommon clause, not only that "if any provision" were "held invalid, the remainder of the Act" should not be affected; but also that, if "the application thereof to any person or circumstance is held invalid . . . the application . . . to other persons or circumstances" should not be affected. . . . There can be no doubt as to the intent; Congress has explicitly declared that it wished the words to govern all cases which they constitutionally could.

Nor do we think that, so limited, the Act becomes too vague to stand up, which is the only challenge on the score of vagueness that deserves discussion. . . .

There is an added reason leading to the same result. . . . Obviously one cannot teach or advocate the use of violence without specifically intending to bring about its use; *a fortiori* must that be true, if one organizes a group so to teach. All discussion as to the use of the word "wilfully" . . . is therefore irrelevant. . . .

In the case at bar this doctrine [of the defense] would mean that those who set in train of execution an elaborate scheme of violent revolution, will escape because the literal meaning of the words covers others, too insignificant to be noticed. The defendants have no standing as vicarious champions of such offenders. We hold the Smith Act to be constitutional, as the judge construed it; and that evidence supported the verdict of the jury. . . .

As we have said, "clear and present danger" depends upon whether the mischief of the repression is greater than the gravity of the evil, discounted by its improbability; and it is of course true that the degree of probability that the utterance will bring about the evil is a question of fact. . . .

When [a] dispute does involve interests of high moment, and Congress, thinking it impracticable to deal with them specifically, makes the courts its surrogate, the choices so delegated must be treated as questions of law. Were it not so, there would be no chance for review, for the verdict would be final; moreover, different juries might give different verdicts, and any approach to uniformity, short as that can be in any event in this field, would be impossible. . . . For these reasons the judge appears to us to have been right, when in the case at bar he took upon himself the duty of declaring that the defendants were guilty, if the jury found that they organized and supported the party for the purpose, among others, of spreading the doctrine of violent revolution, that purpose to be realized as soon as it was feasible.

The remainder of the decision takes up one by one the various attacks on the conduct of the case made by attorneys for the defense, and brushes them aside. The Court dismisses the accusations against Judge Medina, saying that instead of treating the defendants unfairly, he had, if anything, been more generous than he needed to be.

Even if the decision did not explicitly say so, it would be clear that it was written against the background of the immediate worldwide crisis. In effect, it argues that the Communist Party of the US is an arm of the Russian government; that that government is working to bring about the overthrow of the American government and the American economic, social and political system, through either internal revolution or external aggression; and that it is important, in relation to "clear and present danger," not only to look at what the Communist leaders actually said or did, but also at the overriding world situation of which their words and actions were a part.

It is quite true that the atmosphere today is far different from what it was a year or two ago. The Korean conflict has speeded the process of drawing the lines between Russia and her friends, and America and her friends. It has also tended to blur the ideological lines of the conflict; as time passes, the struggle becomes less and less one between dictatorship and democracy, and more and more one between two parts of the world. The Court of Appeals decision seems to us a cold-war decision, and to be regrettable on that ground.

The section of the Smith Act under which the Communist leaders were indicted is so loose and vague that, at least until modified by the present Court proceedings, it could conceivably convict a college professor of economics who explained Marx to his class. It did cause the arrest and conviction of a group of Trotskyists in Minnesota who were, in common-sense terms, far from conspiring to advocate the overthrow of the US government.

The trial under Judge Medina certainly showed many bad things about the Communist Party. It showed that this is not a political party by any standard test. Yet the specific acts cited against them, under the new reading of Justice Holmes's "clear and present danger"—which now seems to mean "a clear and probable danger"—hardly appear to fit what we have always thought Justice Holmes had in mind. And, finally, the conviction of the Communists, if sustained, will give them an air of being martyrs, which will be of enormous propaganda value, both at home and—especially—abroad.

We said at the time of the trial, and still believe, that it was a blunder to indict the Communists under the bad-smelling section of the Smith Act which was employed (and it will be noted that the Court of Appeals decision did not comment one way or the other on this point). It would have been better, we believe, to indict under another section of the same Act, for failure to register as agents of a foreign principal, or to indict for conspiracy to overthrow the government by force or violence, rather than for advocacy. In the light of all these facts, we believe the US Supreme Court should take jurisdiction, and should overrule.

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HAROLD L. ICKES: To Legalize the Oil Steal

S. J. RESOLUTION 195, introduced by Senator O'Mahoney of Wyoming in the United States Senate, proposes to legalize the raid made upon the offshore oil lands of California by Associate Supreme Court Justice Tom C. Clark and Julius A. Krug, when they were respectively Attorney General and Secretary of the Interior. If this resolution should pass, it would mean that the Congress of the United States is as faithless to its trust as have been the two officials in question.

When the Supreme Court held, on June 23, 1947, that the United States had "paramount rights in and full dominion and power over the submerged lands . . . adjacent to the shores of California," Clark and Krug, in total disregard of their oaths of office, entered into a stipulation with California, which in effect overruled this decision. Instead of doing their duty and taking possession of the lands in question, they agreed that the trespassing oil companies might continue to trespass, with their blessing. They went further, by granting to the State of California, contrary to law, the pretended right to issue leases to offshore oil lands to which the state did not have the slightest right or title. In short, for more than three years the people have continued to be dispossessed of the oil-rich lands lying off the California shore as the result of the contemptuous disregard by Clark and Krug of a decree of the United States Supreme Court.

Nor have their successors made any move to right this great wrong. The oil companies that have been operating under illegal leases granted by the State of California continue so to operate. When the attention of the Supreme Court was called to these malfeasances, with great dignity it found a place in its waste basket for the motion irreverently calling to its attention a contumacious contempt that apparently it did not want to know about.

Then on June 5 last, the Supreme Court handed down opinions affecting the offshore oil lands of Louisiana and Texas, similar to the one already rendered with respect to California. And as in the case of California, the Attorney General and the Secretary of the Interior have done nothing to assume, much less to assert, rights of ownership. Apparently, it has been no concern of theirs that competent authorities estimate that eventually billions of dollars, belonging to the people, may be involved. Probably it is too much to expect that these two federal officials, deeply engrossed with a myriad of less important affairs, should do in two months what they and their immediate predecessors have not been able to do, so far as California is concerned, in more than three years.

Knowing Washington as well as I do, I suspect that the Attorney General and the Secretary of the Interior hope that the O'Mahoney resolution will carry. It is not often that one relatively brief resolution contains so many jokers. However, these jokers are not apparent to casual study, and the attention of the people is engrossed by the war in Korea and the prospect of other wars in other parts of the world, depending upon the whim of unpredictable Russia.

It is in times such as these that "good fellows," who would grab public property without just compensation or would rob the hapless Indians, naturally get together for their burglarious forays. As this is being written, it is reported that Washington is literally swarming with more than the usual number of the oil lobbyists who generally infest it, all intent upon "promoting the public welfare" by helping to jam Resolution 195 through Congress. The Attorney General and the Secretary of the Interior have until August 30 to decide whether or not to extend the California stipulation. If Resolution 195 becomes law, they will not have to make a decision that in certain circumstances might be an unhappy one to make. The Attorney General and the Secretary of the Interior will be relieved of the heavy and apparently unpleasant responsibility to protect the people's rich offshore oil lands, with the result that the holders of illegal leases from California, Texas and Louisiana will be free to grow merrily wealthier still out of oil belonging to the whole people.

In a press release dated July 20, Senator O'Mahoney, in a jovial mood that is unusual to him, "allows" that his resolution is "to provide for interim [sic!] operation of tideland oil leases." In the light of the facts that every oilman must know, it is well to consider just how interim this particular "interim" might be. The resolution would legalize present illegal leases and permit granting additional ones in perpetuity, or at least until there is not a barrel of oil left to be pumped out. Section 4(a) of the resolution authorizes (which means, directs) the Secretary of the Interior during a period of three years to grant leases covering a period of *five years* "and as long thereafter as oil or gas may be produced from the area in paying quantities. . . ." Thus it will be seen that the phrase, "interim operation," is simply a fancifully-cut, but familiar sheep skin to disguise the oil-hungry wolf. Since it has not been possible to get remedial legislation through Congress during the more than three years since the California decision, one may freely imagine what an eternity "interim operation" of offshore oil leases would in fact be. HAROLD L. ICKES

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BOOKS IN REVIEW

THE AMERICAN TRANSCENDENTALISTS

by David Daiches

To most of us, American Transcendentalism is a literary movement associated with the names of Emerson and Thoreau. Perry Miller, our ablest living exponent of the New England mind, has now followed up his studies of earlier phases of New England intellectual history by compiling an anthology of Transcendentalism[1] which shows the movement in its proper perspective and enables the reader to understand its full implications as a religious, philosophical and social doctrine. "Doctrine" is perhaps too narrow and definite a word. "I think," wrote Emerson, looking back on the 1830's in his old age, "there prevailed at that time a general belief in Boston that there was some concert of *doctrinaires* to establish certain opinions and inaugurate some movement in literature, philosophy, and religion, of which design the conspirators were quite innocent; for there was no concert, and only here and there two or three men or women who read and wrote, each alone, with unusual vivacity. Perhaps they only agreed in having fallen upon Coleridge and Wordsworth and Goethe, then on Carlyle, with pleasure and sympathy." If the Transcendentalists were not united in a single doctrine, they did together reinterpret in distinctive American terms certain aspects of English romanticism and German idealism, and in doing so shook the foundations of established New World thought.

It was almost entirely a New England affair—even a Boston affair. Revolting against the New England Puritan tradition, the Unitarians had liberalized and rationalized Christianity to the point at which it became a genteel creed which replaced theology by belles-lettres, and religious enthusiasm by a cultured urbanity. But just as the polite Deism of eighteenth-century England had opened the way to the Wesleyan counter-attack, so the elegance and liberality (by the 1830's hardened into a deep conservatism) of the Unitarians forced those who thirsted after a more immediate kind of religious experience into new habits of thought. The Calvinists of Princeton, who stuck to the old orthodoxy, could only rub their hands with an "I-told-you-so" when the Unitarians found Transcendentalism flourishing on their left wing: that was what happened when you abandoned orthodox theology. It was all very paradoxical, because, having rescued religion from Calvinist grimness and wildness, the Unitarians now found that the Transcendentalists were re-introducing the very emotionalism and mysticism which they had fought so hard to eliminate.

What was to happen? Should the Transcendentalists and the Calvinists join hands to defend religious enthusiasm against what Emerson called "the corpse-cold Unitarians of Brattle Street and Harvard College"? Or should Calvinists and conservative Unitarians combine to denounce the dangerous young men who insisted that the truth of Christianity had nothing to do with the genuineness of the New Testament miracles and that every man, learned or ignorant, could read in the impulses of his own mind and in the lessons of Nature proof of the only kind of Christian verity that mattered. It was, in fact, the Unitarians who fell back on the Calvinists for help against the Transcendentalists, however suicidal the move, while the Transcendentalists moved steadily toward revolutionary ideas in social as well as religious thought.

It is a fascinating story, and Professor Miller deploys his material with great skill so as to let it unfold with a minimum of editorial comment. It becomes clear, as one after another the Transcendentalists take the stage, that the literary side of the movement was only a very minor aspect; that the major conflicts involved to a much greater degree religion, philosophy, social thought and ideas about education. The Calvinists had long since come to terms with John Locke, and the Unitarians accepted Locke's psychology as the only basis for a just and reasonable account of man and his notions; but the Transcendentalists, who looked to Kant and Coleridge, had no use for Locke's "mechanical" views.

> If all our ideas come through the senses, [wrote Orestes Brownson], we can have no idea of anything which transcends them. . . . Reflection can add nothing but itself to the materials furnished by the senses, and reasoning can deduce from those materials only what is contained in them. . . . This the Transcendentalists have seen and felt. They have therefore looked into the consciousness, examined human nature anew, to see if they could not find in man the power of recognizing and of knowing objects which transcend the reach of the senses.

Transcendentalism in England was associated with political conservatism. Basil Willey, in his *Nineteenth Century Studies* (which I reviewed in the *NR*, April 10), shows how in Coleridge, for example, the transcendental position had strong conservative implications, both religious and political. But in America Transcendentalism became the handmaid of a social radicalism stronger and fiercer than anything else of the kind in the nineteenth century.

> The office of the true scholar in our republic, [wrote George Ripley], is to connect himself in the most intimate and congenial relations with the energetic and busy population of which he is too often merely an insignificant unit. He is never to stand aloof from the concerns of the people; he is never to view them in the pride of superior culture or station as belonging to a distinct order from himself; he is never to set himself above them as their condescending instructor from whom they are to receive wisdom and light, according to his estimate of their capacity; but he is called upon to honor the common mind, to commune with the

[1] THE TRANSCENDENTALISTS: An Anthology. Edited by Perry Miller (Harvard University Press; $6.50).

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instinctive expressions of the mighty heart of a free nation, and to bring the aid of learning and philosophy to the endeavor of the people to comprehend their destiny, and to secure its accomplishment.

This is mild enough, but look where it leads. In 1840 Orestes Brownson, following a similar line of thought, issued a ringing challenge:

For our part, we yield to none in our reverence for science and religion; but we confess that we do not look for the regeneration of the race from priests and pedagogues. . . . Put your best men, your wisest, most moral, and most religious men, at the head of your paper money banks, and the evils of the present banking system will remain scarcely diminished. The only way to get rid of its evils is to change the system, not its managers. . . . Following the destruction of the Banks, must come that of all monopolies, of all PRIVILEGE. . . . The rich, the business community, will never voluntarily consent to it, and we think we know too much of human nature to believe that it will ever be effected peaceably. It will be effected only by the strong arm of physical force. It will come, if it ever comes at all, only at the conclusion of war, the like of which the world as yet has never witnessed, and from which, however inevitable it may seem to the eye of philosophy, the heart of Humanity recoils with horror.

Orestes Brownson, whose essay on "The Laboring Classes" is one of the most remarkable social documents of the nineteenth century, emerges in the new perspective that Miller gives to the Transcendentalist movement as one of the most powerful and original thinkers of them all. His strange and passionate intellectual history—through Unitarianism to Transcendentalism to a doctrine of social revolution, thence (sobered by the facts of contemporary history) to utter disillusion followed by conversion to Catholicism—is of special interest to the modern reader, and very properly comes to the fore in this anthology. There are other fascinating characters who claim the attention of the twentieth-century student of nineteenth-century thought. The educational ideas of Amos Bronson Alcott are full of excitement; the heroic romanticism of Margaret Fuller, the noble idealism of George Ripley, Theodore Parker's eloquent and forthright distinction between transient forms and permanent substance in religion—these make stimulating reading today, and reassuring reading for anybody who believes that American thought in the first half of the nineteenth century was too dependent on its European origins. The use made by these Americans of the European Transcendentalist tradition was wholly original, wholly American, and wholly democratic. They did not, of course, agree among themselves (a major difference being that between the contemplative individualism of Emerson and the socialist enthusiasms of the Brook Farm experimenters), and they were often naïve and tender-minded; but they did constitute a movement which, if it had no permanent practical results, permanently enriched American thinking.

We can go back, after reading Brownson and Ripley and Elizabeth Peabody and Bronson Alcott, to the better known works of Emerson and Thoreau with a new understanding of their context and see in them a richer meaning and a subtler dialectic. This anthology can thus be read as an aid to the reading of these major figures; but it is better to read it for what it is—the fascinating record of a remarkable movement in American thought.

Also from Harvard comes *Perspectives of Criticism*,[2] a volume of critical essays by present or former members of the Divisions of Ancient and Modern Languages, edited by Harry Levin, who himself contributes a characteristically urbane and well-informed chat on the significance of the term "convention" in literary theory and practice. There is no unifying theme in these essays to enable the reviewer to discuss them as a single work: William Greene points out some limitations of Greek criticism even for the judgment of Greek literature; Perry Miller (once again) shows how Jonathan Edwards' "rhetoric of sensation" developed out of Locke's epistemology and illuminates the difference between Berkeley's and Edwards' development of Locke; Geoffrey Tillotson deals rather sharply with Newman's early essay on "Poetry with Reference to Aristotle's Poetics"; and John Kelleher raps Arnold over the knuckles for his ignorance and misunderstanding of Celtic literature while appreciating his good intentions and the fruitful results of his misapprehensions. There are nine essays in all, and together they constitute an interesting and civilized volume, rather low-pressured on the whole, and offering no startling new insights, but very agreeable to a reader who has just come from the emotional violence of the Transcendentalists.

[2] PERSPECTIVES OF CRITICISM. Edited by Harry Levin (Harvard University Press; $4).

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PRELUDE TO WAR

KOREA TODAY, by George M. McCune, with the collaboration of Arthur L. Grey Jr. (Harvard University Press, for the Institute of Pacific Relations; $5).

GEORGE MCCUNE spent his life attempting to bring the Korean story to the attention of the American public. The recent terrible developments in Korea have at last made McCune's fellow countrymen eager to hear what he has to say. *Korea Today*, which, after McCune's death, was finished by his wife and his associate, Arthur L. Grey, is a book crammed with information on the sorry development of the Korean situation from the war's end until 1949. It is more a book of fact than of opinion. Through thirteen chapters, scores of statistical tables and seventeen pertinent documents in an appendix, the facts pile up, but the reader is for the most part left to draw his own conclusions. And that is perhaps as it should be, for the Korean problem is full of dilemmas and contradictions which defy easy solution. Long after the smoke of battle has cleared, our statesmen as well as the general public should continue to consult *Korea Today*, for the problems of our Korean policy are merely a variation on themes which are repeated throughout much of Asia.

No one can read McCune's book without coming to the conclusion that the United States failed to do what should have been done in Korea, although what should have been done is still not entirely clear. The contrast between American failure in the South and Soviet success in the North, however, is drawn too sharply. This is not the fault of the authors, who have obviously attempted to maintain academic impartiality throughout, but is rather

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the inevitable result of differences in the available materials on North and South Korea. In the chapters on South Korea we find an inside story of all the frustrations and failures of American policy, but in the corresponding chapters on North Korea the authors can give us little more than paraphrases of official announcements. The one is a sketch from life, complete with all the flaws, the other a blueprint.

The authors, however, are correct in pointing out that "the mass of the Korean people in the north reacted favorably toward the Russian regime especially when it was accompanied by many of the revolutionary benefits of a socialist society," whereas in South Korea "the so-called fundamental freedoms of democratic society were not much appreciated by the Korean people in view of the lack of social reform" (p. 181). This seems to be the same old refrain made familiar by the Chinese debacle—Asiatic social revolution overshadowing the political differences which rend the Western world.

One should not conclude from this that the contrast between the Russians and the Americans was that one advocated social reform and the other did not. Land reform, the most fundamental aspect of the revolution in the North, was consistently urged by the Americans, although we were not willing to force it on the South Korean regime against its will. The democratic procedures we favored were far more revolutionary for Korea, with its authoritarian heritage, than any political reforms the Communists attempted. The difference between us and the Communists was that they had a plan and carried it out successfully, even though at pistol point, while we at first lacked a specific plan and throughout had democratic scruples which made us unwilling to emulate the forceful action of the Russians.

Our lack of knowledge about Korea was deplorable, but we can feel no shame in our failure to have a ready-made strait jacket for the Korean people at the end of the war. We can take pride in the fact that we were unwilling "to favor any particular political group and prejudice public opinion" and were reluctant "to establish a regime which might complicate attempts to unify the country" (p. 269), even though this meant that the regime which we eventually did set up in the South was far weaker than its counterpart in the North. We did not want Syngman Rhee and at various times tried to get a more liberal group in control, but again, being unwilling to force on the Koreans our own puppets, we failed where the Russians succeeded.

And yet these well-meaning and honorable policies have brought us at least to the verge of catastrophe. The unformulated moral of *Korea Today* would seem to be that, when confronted with the type of situation we faced in a politically immature and essentially premodern country like Korea, we either must do much more than we did or else much less. And back of this moral stands an even more fundamental one. American ignorance about the distant lands and peoples of the world has become a tragic failing. In 1945 the Russians had clear-out plans for Korea based on sound knowledge of that country. We had neither plans nor knowledge and consequently have paid a heavy price in Korea.

EDWIN O. REISCHAUER

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THE DIANETICS CRAZE

DIANETICS, by L. Ron Hubbard (Hermitage House; $4).

IT IS NOT SO MUCH the content of this book which deserves analysis as its effect on the average reader's mind. *Dianetics* has been steadily climbing on the best-seller list since its publication, and, next to the spectacular success of the Velikovsky book, its popularity is the most frightening proof of the confusion of the contemporary mind and its tendency to fall prey to pseudo-scientific concepts.

The book opens with the statement: "The creation of dianetics is a milestone for Man comparable to his discovery of fire and superior to his invention of the wheel and arch." Dianetics, we learn (from the Greek *dianoua*—thought), is the science of mind. "The hidden source of all psychosomatic ills and human aberration has been discovered and skills have been developed for their invariable cure." With the help of these skills everybody can achieve "release" within less than 20 hours, and can grow into a "dianetic clear," or an individual with intelligence considerably greater than the current norm. A few lines later we learn: "It is new that life has as its entire dynamic urge *only* survival."

The dianetic prophet, L. Ron Hubbard, a civil engineer and science-fiction writer, has revealed "as an established scientific fact" that man is uniformly and invariably good. He claims as one of his great discoveries "a hitherto unsuspected sub-mind." The concept of the unconscious mind is replaced by the "reactive mind." The reactive mind receives its recordings as cellular "engrams" when the "conscious" mind is "unconscious." These engrams disturb our thought processes. No physical or emotional pain is ever forgotten unless it is removed by dianetic therapy.

The dianetic patient "returns" to his pain and changes into an individual full of memories but without pain. Lying in a quiet room he falls into a state of "dianetic reverie" and his "auditor" (and everybody can be everybody else's auditor) tells him "to go to rather than remember" various periods of his life, including his prenatal existence. So he travels on his "time track" back to his mother's womb and draws checks on his "standard memory bank," reaches his "cellular level engrams," and—in the reëxperiencing of them—they are finally erased and refiled automatically as "standard memory." The result of this treatment is the dianetic "clear," who "is to a current normal individual as the current is to the severely insane."

I must confess I have never been confronted by such a bold and immodest mixture of complete nonsense and perfectly reasonable common sense, taken from long-acknowledged findings and disguised and distorted by a crazy, newly invented terminology. Most revolting is the repeated claim of exactitude and of scientific experimental approach, for which every trace of evidence is lacking. The author lives continuously on borrowed concepts, though at the same time he attacks them most ungraciously and ungratefully. Whatever makes sense in his "discoveries" does not belong to him, and his own theory appears to this reviewer as a paranoiac system which would be of interest as part of a case history, but which seems quite danger-

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ous when offered for mass consumption as a therapeutic technique.

Hubbard's concept of psychosomatic disease is definitely wrong. Psychosomatic ailments are not simply caused by emotional disturbances; they are diseases in which the emotional and the organic factor are closely involved and interdependent. But the author does not stop at the usual group of recognized psychosomatic ailments. He announces (p. 93): "At the present time dianetic research is scheduled to include cancer and diabetes. There are a number of reasons to suppose that these may be engramic in cause, particularly malignant cancer." He prescribes that "the pre-clear should take a daily dose of ten to twenty milligrams of vitamin B_1 while in therapy," because otherwise he might have nightmares. And, of course, like the leader of any crackpot movement, he suspects and condemns the skeptic and disbeliever:

> Should the pre-clear discover that anyone is attempting to prevent him from starting or continuing dianetic therapy, the fact should be communicated immediately to the auditor. Anyone attempting to stop an individual from entering therapy either has a use for the aberrations of that individual or has something to hide.

This physician has no use for the aberrations of dianetics-addicts, but he earnestly hopes to prevent readers of the book from trying their luck with its methods. There can be no doubt that many will feel helped by the new fad, and, unfortunately, it was only to be expected that somebody would get the idea of inventing some kind of home-psychoanalysis. No method of psychotherapy exists—however bizarre it may be—which will not exert a temporary effect in the hands of disciples who are haunted by anxiety and despair. However, the harm that may be done by dianetics-auditors and their victims should not be underestimated. Hubbard says:

> A pre-clear should not be disheartened or dismayed to find himself with a flicker of "coronary trouble" on Tuesday, the shadow of a "migraine" on Saturday and a cough on Wednesday. . . . Anything so restimulated by therapy cannot reach any dangerous heights and is of passing duration.

The flicker of coronary trouble may be a serious occlusion, the psychosomatic ulcer may be a disguised cancer, and the cough a tumor of the lungs. While the patient is spending his hours in dianetic revery, precious time for saving his life may be lost: it may prove fatal to have put too much trust in the promises of this dangerous book.

The examples of dianetic auditions which are quoted are of fantastic absurdity, especially where they are concerned with the poor patient's pre-natal life and his mother's sex habits and abortions. I wish there were enough space to reprint some of them. This reviewer, in exploring the book, suffered a most painful "cellular engram"—to use the author's language. And he ardently wishes that something could be done to prohibit the activities of psychotherapists of this sort. Our exploiters of mass anxiety are a serious menace to public health.

MARTIN GUMPERT

Dr. Martin Gumpert, born in Berlin, studied medicine at Heidelberg and Berlin Universities and practised for a decade in his native land before coming to the United States. Especially interested in the problems of old age, he has written many books in that and other fields. He is a member of the staff of Goldwater Memorial Hospital, New York City.

THE ORGANIZERS

AMERICAN LABOR LEADERS, by Charles A. Madison (Harper; $4).

CHARLES MADISON has performed an admirable job in restating for us the exciting record of labor unions and their leaders. In form a series of biographical sketches set against a skillfully-constructed backdrop of social and economic facts, the book is forceful and timely.

The author has a number of personal heroes, though, who make curious companions: William Sylvis, John Mitchell, A. F. Whitney, Philip Murray, Harry Bridges. But he also has one excellent whipping boy—"Big Bill" Hutcheson of the Brotherhood of Carpenters. Hutcheson certainly merits censure. Stubbornly aggressive and thoroughly dictatorial, he represents the robber-baron mentality in the labor movement. Fortunately, American labor has few such leaders: Hillman, Dubinsky, Murray and Reuther adequately compensate for that kind of crass control.

Murray, despite a number of reservations, comes through as a "superior labor leader" with marked social vision and fundamental honesty; Hillman, who saw far beyond the trade-union horizon, is said to have been perhaps the ablest labor leader yet produced; Samuel Gompers, the shrewd founder of the AFL, was too much of a die-hard individualist to comprehend what the labor movement really needed; John L. Lewis, who ". . . has run the gamut of oscillation between reaction and radicalism, between baneful bossism and benevolent leadership. . . ," is nevertheless successful because of his identification with the miners' needs and interests; and Walter Reuther, intelligent, ambitious and conscientious, leads what is doubtless the most volatile union in the country because he is able to convince its members that he knows what he is doing. These estimates could have been made only by someone who knows American labor's heritage well.

Yet the author, by the very structure of his book, unwittingly creates the impression that personalities rather than economic and social drives are the mainspring of labor in the US. While the trade-union scene might have been different without Lewis or Gompers, it is questionable whether the absence of the other men whose remarkable careers are told here would have substantially altered matters. And Madison seems to give less credit to a favorable governmental climate than history warrants.

In several instances the author's interpretations seem somewhat distorted. The story of the terroristic Molly Maguires of coal-field fame is entirely at odds with the version in such standard authorities as Commons' *History of Labor*. For unspecified reasons Madison seems unfriendly to the ILGWU and its leadership: Morris Sigman, he suggests, was a kind of heavy-handed villain who weakened the union by squabbling with its left-wingers; later on, David Dubinsky split the progressive forces by sponsoring the Liberal Party and the ADA. Madison says little about the disastrous leadership provided by the left wing in the 1926 cloakmakers' strike and he is ambiguous in his attitude toward left-wing union leaders who subvert trade-union policy to the demands of a special political line. A clearer perspective on this matter would have made this book a perfect one-volume story of American labor.

BEN B. SELIGMAN

Ben B. Seligman, economist and statistician, was formerly on the staff of Brooklyn College.

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BRIEF COMMENT

German Faces, by Ann Stringer and Henry Ries (William Sloane; $3).

In 49 photographs and fewer than 100 pages of text this book presents a more graphic and disturbing portrait of present-day Germany than most of the volume-long reports and analyses. Both the authors—Henry Ries, a bilingual photographer and reporter for the New York *Times*, and his wife, Ann Stringer, correspondent for the United Press and the Columbia Broadcasting System—have spent almost all of the postwar years in Germany, interviewing and photographing individual Germans. They have culled a selection of these interviews: from Berlin, the divided but still spiritual capital of the reëmerging Reich; from the tight, reactionary little Bavarian village of Mittenwald; from Essen in the heart of the Ruhr; and from Bonn, symbol of the new West German government, where they have concentrated on the leaders of the "new" Germany. No interview is more than a page long, and opposite each is a full-page photograph of the subject.

These portraits are the most striking aspect of the book. Here, truly, is the face of contemporary Germany in all its ramifications: hard, arrogant, cringing, wily, fanatic, dewily mystical; the faces of veterans and schoolgirls, farmers and political leaders, housewives and civil servants, refugees and priests. To anyone who has been in the country in recent years the types are unmistakable—and unmistakably German. Merely to glance at them instantly conjures up all the sights, sounds, smells, confusions of the broken *Vaterland*.

The text accompanying them, translated into colloquial English, is presented for the most part without editorial comment, although an introductory note explains the setting of each group of interviews and occasionally, notably in the Mittenwald and Bonn sections, the authors have felt compelled to add some lines of interpretation.

Going through the book one experiences a range of emotion: horror, pity, anger, despair. For above the anti-Americanism of the East Zone Germans and the anti-Communism of the West, above the obvious West Zone attempts to play off Americans against British (the French are curiously missing in these interviews) rises the whine of an enduring self-pity that refuses to acknowledge guilt and the mounting beat of a dominant nationalism that once again feels sure enough to assert itself. The authors are probably right in their conclusion that, in the East-West struggle, "a united Germany will be a valuable accomplice to one, a powerful opponent to the other." But it is impossible to escape the feeling that, at least for the democracies, Germany would be almost as dangerous an accomplice as opponent.

ANNE L. GOODMAN

MOVIES: Mr. Goldwyn's Heap o' Livin'

ONE OF THE nicest things that can happen to a child, Samuel Goldwyn tells us in "Our Very Own," is to be raised at home. Since his picture invariably identifies this wholesome institution as The American Home, Goldwyn may believe it to be unique to this country. Foreign audiences are not going to be amused. They may even decide that they like their own homes better, and, on the evidence given here, they may be right.

For the ironical thing about the Macaulay family of "Our Very Own" is that if it constitutes the typical American family, Hollywood made it that way. The parents (Jane Wyatt and Donald Cook) are a couple of indulgent chuckleheads whose way of handling a problem is to hide it and whose only ambition for the children is something vaguely described as "their happiness." Their two teen-age daughters (Ann Blyth and Joan Evans) are selfish and vain, ignorant and feverishly amorous. They talk in movie formulas, dress in movie clothes and are prepared to tear each other's throats out for the favors of Farley Granger, the local television mechanic, who has been reduced in this picture from an actor to a movie star. There is no substance to these people, no integrity and no tradition, and the only reason they escape the fool killer is that F. Hugh Herbert, who wrote the script, provided it with a happy ending.

The plot of this hymn to American domesticity revolves upon the point that Miss Blyth, the oldest daughter, is adopted. This fact is kept from her ("we thought it might disturb you, dear") until she is 18, when it is discovered by the younger daughter and flung in her face. The girl's reaction to this belated information is to fall into an abyss of self-pity. She stalks out to see her real mother (Ann Dvorak, who

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plays a pathetic slattern and is the only real person in the picture), she sulks far into the night at the home of a poor little rich girl friend, she is spoken to roughly by her indignant boy friend and she decides at last to stick by the Macaulays. Pirating Edgar Guest, she lectures the high-school graduation audience on the amount of living it takes to make a house a home. Everyone is delighted by this show of generosity and the picture closes in a glow of fatuous smiles.

If, as I suspect, this product is to be pushed hard in the foreign market, it will tell our friends and enemies abroad that we are rich and foolish, selfish and indulgent, snobbish and sentimental. They will hardly be surprised, since this is what we have been telling them for years.

Walt Disney, who has been working his way into new fields lately, has a series of half-hour shorts called, inappropriately, True Life Adventures. The first, "On Seal Island," I haven't seen; the second, "Beaver Valley," is a beauty. This is a wild-animal picture of a kind not at all unfamiliar, but it is wonderfully done. The Technicolor seemed a little postcardy, but the shots are made with superb patience, the scenes have been edited with imagination and humor, the commentary is decent and the music is fine. "Beaver Island" was produced with the help of the Game and Fish authorities of Montana and Minnesota.

In addition to a detailed account of the slogging, pedantic life of the beaver, it reveals in 32 minutes something of the habits and personalities of moose, deer and coyotes; ducks, geese, herons, bitterns, owls and hawks; bears and spawning salmon; frogs emitting amorous croaks, a fidgety chipmunk and a raffish family of otters. I don't pretend to cover the field, but those are what I remember. The picture won't be a feature, of course, but it is a boost for any movie program; for children it is obligatory. ROBERT HATCH

Hollywood's genius for stifling talent and rewarding incompetence has seldom been demonstrated more brilliantly than in "Edge of Doom," another of the industry's pretentious attempts to produce drama from abnormal psychology. The hero is a youth with a mother fixation that makes Hamlet's problem seem like something that could be exorcised with a few simple setting-up exercises. The part is played by Farley Granger, whose acting consists of clenching his fists at his sides, standing rigidly in a bath of artificial sweat while the camera and light men work their magic, and once in a while burying his little face in his hands.

Top billing goes, of course, to Dana Andrews, representing what Director Mark Robson supposes is a kind, wise priest. Andrews portrays this role by wearing throughout the film—even when a drunken wife-beater tosses him twice in succession on his saintly keister—the expression of a man obliged to sit through a long, stuffy dinner while suffering mild gas pains. This appearance of bearable discomfort does change once—at the very end of the film. When Granger surrenders—presumably to be put out of his misery—Andrews allows himself an understandable smile. Equally wooden are Joan Evans and Mala Powers, who are dragged in for no discernible reason; they are not even fun to look at.

The only relief from this puppetry is provided, as happens so often, by some of the supporting actors, notably Paul Stewart. It is impossible for Stewart to be as good as he seems to be when he is playing a hoodlum in the law's toils; it must be the company he keeps in this picture that makes his performance so exciting. But no, come to think of it, he is always good. Will somebody please explain why the credits for "Edge of Doom" read "Starring Dana Andrews. . . . With Paul Stewart"?

And another thing. Why does Hollywood, with its unlimited research facilities, consistently pull simple technical boners? Any police reporter would have been glad to tell Samuel Goldwyn without fee that though the cops "book" suspects—that is, record their names and the tentative charges in a book or ledger—the process does not usually take place in a room labeled "Central Booking Office." That's a place where you go to get a job in the movies, isn't it? JACK WEEKS

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